

## Message Text

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ACTION L-03

INFO OCT-01 EA-11 ISO-00 JUSE-00 SCA-01 SNM-02 DRC-01

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FM AMCONSUL HONG KONG

TO SECSTATE WASHDC PRIORITY 0212

INFO DEA EO/CUSACK PRIORITY

UNCLAS HONG KONG 3716

E.O. 11652: N/A

TAGS: CGEN

SUBJECT: EXTRADITION (KWEI SANG YUIN)

REF: STATE A-2426, HONG KONG 3482

1. BEGIN SUMMARY: HK LEGAL DEPT DOES NOT BELIEVE MAGISTRATE WILL GRANT EXTRADITION ON BASIS OF PRESENT EVIDENCE, INCLUDING THAT FORWARDED BY A-2426. CONGEN STRONGLY RECOMMENDS THAT EVIDENCE BE PREPARED AND FORWARDED IN FORM SUGGESTED IN HK-3482. END SUMMARY.

2. TO OBTAIN EXTRADITION ORDER HK LEGAL DEPT MUST PRESENT PRIMA FACIE CASE. FOR THAT PURPOSE CROWN SOLICITOR REQUESTS UNBROKEN CHAIN OF EVIDENCE TRACING THE SUBSTANCE FROM THE TIME IT WAS PURCHASED BY AGENT TAYLOR UNTIL ANALYSED BY CHEMIST.

3. THE EVIDENCE IN ITS PRESENT FORM IS CONSIDERED BY CROWN SOLICITOR TO BE DEFICIENT. HE STATES THAT REFERENCE TO RECORDS KEPT IN NORMAL COURSE OF BUSINESS IS WITHOUT EVIDENCIARY VALUE IN HK COURTS.

4. CROWN SOLICITOR POINTS OUT THAT AGENT TAYLOR RECEIVED THREE SEPARATE DELIVERIES FROM YUIN. HE REQUESTS AFFIDAVITS REFER TO EACH DELIVERY AND STATE WHEN AND TO WHOM SUBSTANCE WAS DELIVERED EACH TIME AND WHEN AND FROM WHOM CHEMIST FASANELLO RECEIVED IT EACH TIME. UNLESS TAYLOR DELIVERED EACH TIME DIRECTLY TO

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FASANELLO, SAME INFO SHOULD BE GIVEN IN AFFIDAVIT FORM BY ANY

INTERMEDIARY; SUCH AS EVIDENCE CUSTODIAN, ETC.

5. ALL EVIDENCE SHOULD BE CAREFULLY PREPARED. FOR EXAMPLE, THE PHOTO OF YUIN AFFIXED TO TAYLOR'S AFFIDAVIT SHOULD EITHER HAVE AN OVERLAPPING SEAL OR THE AUTHENTICANTION RIBBON SHOULD PASS THROUGH IT TO PRECLUDE EXPECTED ARGUMENTS RE IDENTITY. ALSO, NEW AFFIDAVITS SHOULD BE OBTAINED TO REPLACE THAT OF ASSISTANT U.S. ATTORNEY BARBARA ROWAN, IF POSSIBLE, SO ALL EVIDENCE WILL BE UNDER AUTHENTICATION OF CURRENT OFFICIALS.

6. THE DETAILED REQUEST FOR PREPARATION OF NEW EVIDENCE IS REGRETTED BUT CONGEN CONCURS WITH CROWN SOLICITOR THAT THIS EXTRADITION WILL BE RESISTED TO THE FULLEST EXTENT. YUIN'S BARRISTER HAS PROTESTED LOUDAND STRONG AT EACH APPEARANCE BEFORE MAGISTRATE AND HAS EVEN TAKEN UNUSUAL STEP TO WRITE PERSONAL LETTER TO HK ATTORNEY GENERAL PROTESTING AGAINST EFFORTS AT EXTRADITON IN VIEW PREVIOUS UNSUCCESSFUL ATTEMPT. THEREFORE, MATTER COULD BE BLOWN OUT OF PROPORTION FROM PUBLIC RELATIONS STANDPOINT IF YIN REMAINS IN CUSTODY SEVERAL WEEKS AND THE EXTRADITION EFFORTS AGAIN FAIL.

7. YUIN'S NEXT APPEARANCE BEFORE MAGISTRATE SCHEDULED FOR MONDAY APRIL 8. CONGEN WOULD GREATLY APPRECIATE KNOWING BY APRIL 6 WHETHER JUSTICE FORESEES ANY DIFFICULTY SUPPLYING REQUESTED EVIDENCE AND, IF NOT, WHEN WE MAY EXPECT TO RECEIVE IT. CROWN COUNSEL NEEDS SUCH INFO TO CONTINUE RESISTING BAIL EFFORTS. IF JUSTICE UNABLE COMPLY WITH REQUESTS FOR ANY REASON, CONGEN RECOMMENDS CONSIDERATION BE GIVEN RE ADVISABILITY OF DISCONTINUING EXTRADITION EFFORTS THIS CASE.  
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